

Receipt
#11/2

PATENT APPLICATION
Docket No. 2409.3272.2US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Geoffrey S. Martin et al.)
)
Serial No.: 09/139,705) Group Art Unit
) 3734
Filing Date: August 25, 1998)
)
For: MULTIPLE LUMEN CATHETER)

REQUEST FOR CORRECTED FILING RECEIPT

The Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RECEIVED
NOV 24 1998
TECHNOLOGY CENTER 3700
TECHNOLOGY CENTER 3700

RECEIVED
NOV 24 1998
TECHNOLOGY CENTER 3700

Sir:

Attached as Exhibit A is a copy of the official Filing Receipt received from the United States Patent and Trademark Office relative to the above-captioned application.

The issuance of a corrected Filing Receipt is respectfully requested.

A. Amount of Fee Received

There is an error in the "Filing Fee Received" portion of the Filing Receipt.

Attached as Exhibit B is a photocopy of Check No. 10271 of the firm of the undersigned dated August 25, 1998, in the amount of \$790.00. This was the only check filed with the

above-captioned application.

Attached as Exhibit C is a copy of the Certificate of Mailing by "Express Mail" utilizing Express Mail Label No. EM061016724US, under which the above-captioned application was delivered to the United States Patent and Trademark Office and which lists Check No. 10271 as the only check listed as transmitted.

Accordingly, the "Filing Fee Received" portion of the Filing Receipt in a corrected fashion should read as follows:

Filing Fee Received: \$790.00

B. Attribution of Continuing Status

There is an error in the "Continuing Data as Claimed by Applicant" portion of the Filing Receipt.

Attached as Exhibit D is a Transmittal for Continuing Application dated August 25, 1998. (hereinafter "the Transmittal"). As set forth in the first paragraph of the Transmittal, the above-captioned application is a "continuation application under 37 C.F.R. §1.60, of pending prior Application Serial No.481,169 . . . that was filed on June 7, 1995." (hereinafter the "Parent Application").¹

A photocopy of the Transmittal was filed on August 25, 1998, under cover of Express Mail

¹United States Patent No. 5,797,869 issued from the Parent Application on August 25, 1998.

Label No. EE897357979US.² Attached as Exhibit E is a copy of the corresponding Certificate of Mailing by "Express Mail".

The executed original of the Transmittal is being submitted under separate cover in the interest of the completeness of the records of the United States Patent and Trademark Office.

As will be reflected in the records of the United States Patent and Trademark Office, the Parent Application was a continuation of United States Patent Application Serial No. 205,331 filed on March 3, 1994, which was a continuation of United States Patent Application Serial No. 785,351 filed on October 30, 1991, which was a continuation of United States Patent Application Serial No. 288, 364 filed on December 22, 1988.³

While listing correctly the three (3) patent applications identified above to which the Parent Application claims priority, the Filing Receipt includes no mention of the Parent Application.

Accordingly, the "Continuing Data as Claimed by Applicant" portion of the Filing Receipt in a corrected fashion should read as follows:

THIS	APPLN IS A CON OF	08/481,169	06/07/95	PAT	5,797,869
	WHICH IS A CON OF	08/205,331	03/03/94	PAT	5,472,417
	WHICH IS A CON OF	07/785,351	10/30/91	ABN	
	WHICH IS A CON OF	07/288,364	12/22/88	PAT	5,195,962

²While filed on the same date as the above-captioned application, the Transmittal was filed in a package separate from that containing the above-captioned application. Accordingly, a distinct Certificate of Mailing by "Express Mail" and a distinct corresponding Express Mail label number was used relative to the Transmittal. The undersigned apologizes for any inconvenience occasioned thereby.

³ A detailed recitation of the relationship among the four (4) applications to which the above-captioned application claims priority can be found in the amendment to the specification set forth at the top of page 3 of the Transmittal attached as Exhibit D. It should be pointed out, as set forth in the Declaration at page 6 of the Transmittal, that the above-captioned application as filed was, with the exception of the cover page thereof, a copy of the Parent Application.

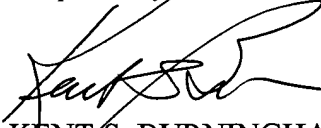
C. Conclusion

The corrections sought are not due to any error by applicant, and accordingly it is respectfully submitted that no fee is due relative thereto.

Nonetheless, should any fee be required in relation to this Request for Corrected Filing Receipt, the Commissioner is hereby authorized to charge that fee to Deposit Account No. 20-1469 of the undersigned. A duplicate copy of this document without the attached exhibits is enclosed.

DATED this 12th day of November 1998.

Respectfully submitted,



KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

TRASK, BRITT & ROSSA
230 South 500 East, Suite 300
Salt Lake City, Utah 84102 USA
Telephone: (801) 532-1922
Toll Free: (800) 900-2001
Facsimile: (801) 531-9168

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Attachments:	Exhibit A:	Filing Receipt (1 page)
	Exhibit B:	Check No. 10271 for \$790.00 (1 page)
	Exhibit C:	Certificate of Mailing by Express Mail using Express Mail Label No. EM061016724US (2 pages)
	Exhibit D:	Transmittal for Continuation Application (6 pages)
	Exhibit E:	Certificate of Mailing by "Express Mail" using Express Mail Label No. EE 897357979US (2 pages)



PATENT APPLICATION
Docket No. 2409.3272.2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
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Geoffrey S. Martin et al.)
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Serial No.: 09/139,705) Group Art Unit
) 3734
Filing Date: August 25, 1998)
)
For: MULTIPLE LUMEN CATHETER)

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

The Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

I hereby certify that this correspondence and the materials listed as transmitted below are being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 12, 1998.


KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

Submitted: Request for Corrected Filing Receipt (5 pages) with the following attachments:

- Exhibit A: Filing Receipt (1 page)
- Exhibit B: Check No. 10271 for \$790.00 (1 page)
- Exhibit C: Certificate of Mailing by Express Mail using Express Mail Label
No. EM061016724US (2 pages)
- Exhibit D: Transmittal for Continuation Application (6 pages)
- Exhibit E: Certificate of Mailing by "Express Mail" using Express Mail Label
No. EE 897357979US (2 pages)

Postcard

EXPRESS MAIL LABEL NO. EL248224590US

PATENT APPLICATION
Docket No. 2409.3273.2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
Geoffrey S. Martin et al.)	
)	
Serial No.:)	Group Art Unit
09/139,705)	3734
Filing Date:)	
August 25, 1998)	
For:)	
MULTIPLE LUMEN CATHETER)	

TRANSMITTAL FOR DOCUMENTS SUBSTANTIATING
DATE OF FILING SET FORTH IN PRIOR
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

The Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

On August 25, 1998, the undersigned arranged for the deposit with the United States Postal Service "Express Mail Post Office to Addressee" service utilizing Express Mail Label No. EE 897357979 US of photocopies of various documents. Among the documents submitted to the United States Patent and Trademark Office in the manner described was a photocopy of a Certificate of Mailing by "Express Mail," a copy of the original of which is attached as Exhibit A.

The document at Exhibit A carries an indication of the Express Mail label number mentioned above.

At the time that the document at Exhibit A was executed, the Express Mail label number under which the photocopy of that document would be dispatched subsequently that same date by an agent of the undersigned was unknown. Consequently, while the number of the Express Mail label was, or should have been, entered by hand by that agent on the photocopy of the document, that Express Mail label number was entered on the original of that document by the undersigned only after being apprised thereof by that agent.¹

The document attached as Exhibit A bears an execution date of August 25, 1998. That date corresponds to the date that the agent of the undersigned indicated that the materials submitted under Express Mail Label No. EE 897357979 US had been received into the custody of the United States Postal Service (hereinafter "the USPS").

Subsequently, on September 11, 1998, the undersigned received from that agent the customer copy of Express Mail Label No. EE 897357979 US. A copy is attached as Exhibit B. The document attached as Exhibit B bears a handwritten indication that the materials submitted under Express Mail Label No. EE 897357979 US were received by the USPS on August 26, 1998.

To reconcile the inconsistency between the date of receipt by the USPS indicated on the document attached as Exhibit B and the date of execution of the document attached as Exhibit A, the undersigned conducted a telephone conference with a representative of the USPS on November 12, 1998, to ascertain from the records thereof the history of the processing of the materials submitted under Express Mail Label No. EE 897357979 US.

Employees of the USPS entrusted with providing information to the public about the status

¹The executed originals of each of the documents was subsequently submitted to the United States Patent and Trademark Office on November 13, 1998, as Exhibits A-D, respectively, to a Transmittal for Originals of Documents Previously Filed as Photocopies.

of packages deposited with the United States Postal Service "Express Mail Post Office to Addressee" service are permitted to identify themselves only by first name and employee number. The undersigned was, nonetheless, advised by an employee named Linda, Employee No. 2899, located at the Arizona office of the USPS accessed by telephone at (800) 222-1811, that the package of materials transmitted under Express Mail Label No. EE 897357979 US had been received by the USPS prior to midnight on August 25, 1998.

On the recommendation of Linda, Employee No. 2899, the undersigned contacted the Expedited Services Office closest in location to the undersigned at the Salt Lake City Airport Mail Center on November 13, 1998. The undersigned spoke there with Joanne Matragos, who verified from the Electronic Marketing Reporting System (hereinafter "the EMRS") accessible thereto that the package of materials transmitted under Express Mail Label No. EE 897357979 US had been received by the USPS at 23:56 hours on August 25, 1998.

Aware that the contents of the EMRS are not maintained indefinitely by the USPS, the undersigned requested that Ms. Matragos provide written confirmation of the history of the processing of the materials submitted under cover of Express Mail Label No. EE 897357979 US. A copy of the letter of November 13, 1998, from the undersigned to Ms. Matragos for that purpose is attached as Exhibit C.

In return, the undersigned received a letter dated November 24, 1998, enclosing a tracking information printout from the EMRS and confirming that the package of materials transmitted under cover of Express Mail Label No. EE 897357979 US was accepted by the USPS prior to midnight on August 25, 1998. The original of this letter and of the tracking information printout enclosed therewith are attached as Exhibit D.

The documents attached as Exhibit D are being submitted to ensure the completeness and integrity of the records of the United States Patent and Trademark Office relative to the above-captioned application, and to permit study as needed by the Examiner at an appropriate future time in the prosecution of this matter.

It is respectfully submitted that the documents attached as Exhibit D establish that the date of receipt that appears on the customer copy of Express Mail Label No. EE 897357979 US, and presumably also on the copy of Express Mail Label No. EE 879357979 US received at the United States Patent and Trademark Office, is incorrect.

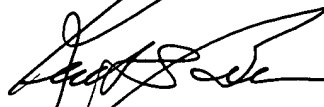
The correct date of receipt by the USPS of the materials transmitted under Express Mail Label No. EE 897357979 US is August 25, 1998, as established in the documents attached as Exhibit D and in the document attached as Exhibit A.

It is respectfully requested that the documents so submitted be entered into the file wrapper for the above referenced application.

The undersigned further declares that all statements made herein based on the knowledge of the undersigned are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the subject application or any patent that may issue therefrom.

DATED this 9th day of February 1999.

Respectfully submitted,



KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

TRASK, BRITT & ROSSA
230 South 500 East, Suite 300
Salt Lake City, Utah 84102 USA
Telephone: (801) 532-1922
Toll Free: (800) 900-2001
Facsimile: (801) 531-9168

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